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and Teresa Wickham*

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GERALD VON TOBEL,

Plaintiff,

vs.

DR. JOHNS, et al.,

Defendants.

Case No. 3:17-cv-00022-RCJ-CLB

**MOTION FOR EXTENSION OF
DISPOSITIVE MOTIONS DEADLINE
(First Request)**

Defendants, Romeo Aranas, Candis Rambur (Brockway), David Everett, Marsha Johns and Teresa Wickham, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Rost C. Olsen, Deputy Attorney General, hereby move the Court for a 31-day extension of the dispositive motions deadline contained in ECF No. 33. This Motion is based on Federal Rule of Civil Procedure 6(b)(1)(A), and is supported by the following Memorandum of Points and Authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made

1 after the time has expired if the party failed to act because of
2 excusable neglect.

3 Here, Defendants respectfully request this Court extend the dispositive motions
4 deadline contained in its Scheduling Order (ECF No. 33) from March 6, 2020 to close of
5 business on April 6, 2020. Defendants are using certain medical records to support their
6 upcoming Motion for Summary Judgment. See Ex. A (Declaration of Rost C. Olsen) at ¶ 3.
7 However, a clerical error occurred in compiling and transmitting copies of these certain
8 medical records from the Nevada Department of Corrections (NDOC) to the
9 Undersigned's office. *Id.* at ¶ 3. The Undersigned's office has communicated with NDOC
10 regarding the error, and has been informed that NDOC will not be able to recompile and
11 transmit the medical records before March 6, 2020. *Id.* at ¶ 4.

12 Further compounding the matter, the Undersigned is expecting the birth of his
13 first child within the next three weeks, and is expecting to take a couple of days off from
14 work to tend to family matters arising in the wake of his daughter's much-anticipated
15 arrival. *Id.* at ¶ 5.

16 For the foregoing reasons, Defendants submit there is good cause for the requested
17 extension, and request this Motion be granted.

18 DATED this 3rd day of March, 2020.

19 AARON D. FORD
20 Attorney General

21 By: /s/ Rost C. Olsen
22 ROST C. OLSEN, Bar No. 14410
23 Deputy Attorney General

24 *Attorneys for Defendants*

25 IT IS SO ORDERED.

26 
27 U.S. MAGISTRATE JUDGE

28 DATED: 3/4/2020

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 3rd day of March, 2020, I caused a copy of the foregoing, **MOTION FOR EXTENSION OF DISPOSITIVE MOTIONS DEADLINE (First Request)**, to be served, by U.S. District Court CM/ECF Electronic Filing on the following:

Gerald VonTobel #86814
Care of LCC Law Librarian
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419
lcclawlibrary@doc.nv.gov



An employee of the
Office of the Attorney General

EXHIBIT A

Declaration of
Rost C. Olsen

EXHIBIT A

DECLARATION OF ROST C. OLSEN

1. I, Rost C. Olsen, Esq., declare the following:

2. I am a Deputy Attorney General (DAG) for the Office of the Nevada Attorney General (OAG). I work in the Carson City location.

3. While preparing the Motion for Summary Judgment (MSJ) in the matter of *Von Tobel v. Johns, et al.*, case no. 3:17-cv-00022-RCJ-CLB, I discovered a clerical error had occurred in the compilation and transmission of certain medical records from the Nevada Department of Corrections (NDOC) to my office. These are records I intend to use as a featured exhibit supporting the MSJ.

4. On March 3, 2020, I received word that NDOC will be unable to recompile and retransmit the records to my office before the March 6, 2020 dispositive motions deadline in the above-stated case.

5. My wife and I are expecting our first child to be born within the next three weeks, and I expect to take some time away from work to handle family matters surrounding the birth of our child.

Pursuant to 28 U.S.C. § 1746 Declarant certifies, under penalty of perjury, that the foregoing is true and correct.

Executed this 3rd day of March, 2020 in Carson City, Nevada.


Rost C. Olsen